

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed November 26, 2007.

In the Office Action, claims 1, 3, 6-13, 15, 18-26, 28, and 31-38 stand rejected under 35 U.S.C. § 103.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 1, 3, 6, 8-13, 15, 18-19, and 21-25 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 5,822,123 issued to Davis (hereinafter Davis) in view of U.S. Patent No. 6,314,572 issued to LaRocca (hereinafter LaRocca) and even further in view of U.S. Publication No. 2003/0009757 to Kikinis (hereinafter Kikinis)

Applicants independent claims 1, 13, and 26 generally relate to a client terminal, a computer program implemented in a client terminal, and a method implemented at a client terminal that perform operations related to: *recommending at least one bundle of channels for subscription by the user based upon a subscription matrix for the user that is stored locally at the client terminal, the currently selected program guide entry for the non-subscribed channel displayed in the program guide, and available bundles of channels for subscription, wherein the subscription matrix includes channels subscribed to by the client terminal and available channels not subscribed to by the client terminal.*

In the Office Action, Davis is cited for teaching a basic client terminal. The Examiner acknowledges that Davis does not teach or suggest recommending at least one bundle of channels for subscription by the user based upon a subscription matrix for the user, the currently selected program guide entry for the non-subscribed channel displayed in the program guide, and available bundles of channel for subscription... (See Office Action, p. 5.)

However, the Examiner alleges that LaRocca teaches: “recommending at least one bundle of channels for subscription by the user based upon a subscription matrix (col. 5, lines 29-41) for the user...” (Office Action, page 5). The Examiner appears to be assuming that LaRocca performs this functionality at the client terminal. Applicants respectfully disagree.

Looking at the citation relied upon by the Examiner in LaRocca for the teaching of a subscription matrix:

Other subsystems of the service provider equipment include a network manager 142 and a back office subsystem 144. These subsystems maintain certain databases of information that enable the system to accurately control system access, subscription package definitions, and subscriber/consumer profile and billing. The network manager 142 is coupled to a customer management system (CMS) 150 within the cable operator equipment 152. As such, the network manager maintains a database 154 containing specific customer subscription information pertaining to a customer's type of service (e.g., basic cable, extended basic cable, and the like), level of service and premium channel subscription information. This database is used to facilitate dependent subscriptions and contingent services... (Col. 5, lines 29-41, emphasis added).

As set forth in this passage, LaRocca clearly states it is the service provider equipment (i.e. the head-end equipment) including a network manager 142 and a back office system 144 (see Figure 1) that maintains the databases 154 of information that enable the system to accurately control system access, subscription package definitions, and subscription/consumer profile, and billing. As shown in Figure 3A, LaRocca further teaches that: “At step 326, the system [i.e., service provider equipment 306] determines whether the consumer/subscriber has a subscription for the selected service and/or has the base subscription or service for a dependent/contingent service.” (Column 9, lines 62-65, emphasis added).

LaRocca clearly does not teach or suggest a client terminal that recommends at least one bundle of channels for subscription by the user based upon a locally stored subscription matrix as set forth in Applicants independent claims 1, 13, and 26.

Indeed, LaRocca expressly teaches away from providing a client terminal or a client terminal computer program that can recommend a bundle of channels based upon a locally stored subscription matrix. LaRocca is expressly concerned with the “need to provide these

[subscription] services using equipment having a significant portion of the computing power contained within a service provider head in system such that a terminal for the subscriber's home can be manufactured relatively inexpensively." (Column 2, lines 44-49). Moreover, LaRocca teaches that "[t]o implement the service, the terminal need only decode and execute simple applets to produce various interactive displays and send information requests. The service provider equipment performs the significant computing for menu generation, security handling, and subscription processing." (Column 12, lines 30-35, emphasis added).

The Examiner acknowledges that Davis and LaRocca do not teach or suggest that: "The subscription matrix is stored locally at the client terminal...Wherein the subscription matrix includes channels subscribed to by the client terminal and available channels not subscribed to by the client terminal..." (See Office Action, p. 5).

The Examiner relies on a published U.S. patent application to Kikinis (Publication No. U.S. 2003/0009757) (hereinafter the Kikinis published application), as allegedly teaching these limitations.

However, the filing date of the Kikinis published application is June 11, 2002, which is later than the filing date of Applicants' patent application, which was filed on July 31, 2001. Accordingly, only the contents of the provisional U.S. patent application to Kikinis (Provisional Application No. 60/299,532), filed on June 19, 2001, can be properly relied upon as a reference against Applicants' claims (i.e., the Kikinis published patent application is not prior art). (See generally, MPEP § 706.02 "Rejection on Prior Art").

For the Examiner's convenience, Applicants have attached the provisional Kikinis application as Exhibit A (hereinafter the Kikinis provisional application).

On page 7 of the Office Action, the Examiner relies on paragraph [0016], paragraphs [0019]-[0021], and Figure 4 of the Kikinis published application for allegedly disclosing: *a subscription matrix that is stored locally at the client terminal...wherein the subscription matrix includes channels subscribed to by the client terminal and available channels not subscribed to by the client terminal...*

However, Applicants respectfully submit that the Kikinis provisional application (Exhibit A) does not include the same disclosure of paragraph [0016], paragraphs [0019]-[0021], and Figure 4. Further, Applicants respectfully submit that the Kikinis provisional application, itself, likewise does not teach or suggest the Applicant's claim limitations generally related to a *subscription matrix that is stored locally at the client terminal...wherein the subscription matrix includes channels subscribed to by the client terminal and available channels not subscribed to by the client terminal....*

Applicants respectfully submit that Davis, LaRocca, and the Kikinis provisional application either alone or in combination, do not teach or suggest the limitations of Applicants' independent claims 1, 13, and 26.

Accordingly, Applicants respectfully request that the Examiner remove this ground for rejection and allow amended independent claim 1, 13, and 26, as well as the dependent claims that depend therefrom, respectively, and pass these claims to issuance.

Conclusion


In view of the remarks made above, it is respectfully submitted that pending claims 1, 3, 6-13, 15, 18-26, 28, and 31-38 are allowable over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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Dated: 4/28/2008

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Attachments

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